

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

ISLAND VIEW CROSSING II, L.P.,

Debtor.

CHAPTER 11

Case No. 17-14454-ELF

**KEVIN O'HALLORAN, in his capacity as Chapter
11 Trustee for Island View Crossing II, L.P.,**

Plaintiff,

v.

PRUDENTIAL SAVINGS BANK,

Defendant.

Adversary No. 17-00202 (ELF)

Adversary No. 18-00280 (ELF)

[PLAINTIFF'S PROPOSED] SCHEDULING ORDER

In accordance with the Court's order dated September 22, 2021 [DE 158], the parties met and conferred in good faith in an attempt to submit a joint proposed scheduling order and having failed to reach such an agreement, Plaintiff Kevin O'Halloran, in his capacity as Chapter 11 Trustee for Island View Crossing II, L.P. ("Plaintiff"), by and through his undersigned counsel, submits the following Proposed Scheduling Order:

1. Supplemental Document Production. The parties shall substantially complete any supplemental document production **on or before October 15, 2021**.
2. Disclosure of Expert Reports. The parties shall file their initial Fed. R. Civ. P. 26(a)(2) disclosures of expert testimony **on or before November 1, 2021**.

3. Expert Rebuttals. The parties shall file a supplemental disclosure to contradict or rebut evidence on the same subject matter identified by another party **on or before December 1, 2021**.

4. Depositions of Expert Witnesses. Depositions of Expert Witnesses shall be completed within two (2) weeks of the submittal of Expert Rebuttals. All expert discovery shall be completed, and expert discovery shall close, **on or before December 14, 2021**.

5. Discovery Disclosures. All discovery disclosures pursuant to Fed. R. Civ. P. 26(a)(3) shall be served on opposing parties and filed with the bankruptcy court **on or before December 21, 2021**.

6. Objections to Discovery Disclosures. Any objections to Rule 26(a)(3) disclosures shall be served on opposing counsel and filed with the bankruptcy court **on or before December 28, 2021**.

7. Pre-Trial Statements. **On or before January 11, 2022**, the parties shall file a joint pretrial statement. The joint pretrial statement shall be signed by all counsel. It is the obligation of the Plaintiff's counsel to initiate the procedures for its preparation and to assemble and submit the proposed pretrial statement to the court. Plaintiff's counsel shall submit a proposed joint pretrial statement to Defendant's counsel not less than 7 days prior to the deadline for its submission. Counsel are expected to make a diligent effort to prepare a proposed pretrial statement in which will be noted all of the issues on which the parties are in agreement and all of those issues on which they disagree. The proposed pretrial statement shall govern the conduct of the trial and shall supersede all prior pleadings in the case. Amendments will be allowed only in exceptional circumstances and to prevent manifest injustice.

8. The joint pretrial statement shall be in the form as stated in Amended Pretrial Order # 5.

9. A mandatory final pretrial/settlement conference shall be held on **January __, 2022, at _____ a.m./p.m.**, in Bankruptcy Courtroom No. 1, Robert N.C. Nix Federal Building & Courthouse, 900 Market Street, Second Floor, Philadelphia, Pennsylvania.

10. If the adversary proceeding is not resolved prior to the conclusion of the final pretrial/settlement conference, the adversary proceeding shall be scheduled for a two-week trial at the court's first available date.

11. Each party may file, no later than five (5) days prior to the date of trial, a trial memorandum with service on the opposing party.

12. All trial exhibits shall be pre-marked and exchanged at least three (3) business days prior to the date of trial, with copies provided to the court.

13. The trial may be continued only in exceptional circumstances on Motion and leave of court.

Respectfully submitted,

Date: September 29, 2021

/s/ Steven M. Coren
Steven M. Coren, Esq.
Matthew R. Williams, Esq.
KAUFMAN, COREN & RESS, P.C.
Two Commerce Square
2001 Market Street, Suite 3900
Philadelphia, PA 19103
Tel: (215) 735-8700
Fax: (215) 735-5170
scoren@kcr-law.com
mwilliams@kcr-law.com

Counsel to Plaintiff, Kevin O'Halloran, in his capacity as Chapter 11 Trustee for Island View Crossing II, L.P.